

**REMARKS:**

Claims 21-36 are pending and are rejected.

Claims 21, 27, and 29 are amended. Claim 27 is amended to be in conformity with changes made in claim 21, from which claim 27 depends.

Claims 28, 31, and 36 are cancelled without prejudice and disclaimer.

**ABSTRACT**

Responsive to the objection, applicant has resubmitted the added Abstract in a separate sheet.

**CLAIMS****I. Claim Objection 37 CFR 1.75(c)**

Responsive to the objection, applicant has cancelled claim 31 without prejudice and disclaimer.

**II. Claim Rejection – 35 USC 102(b)**

Responsive to the rejection of claims 21-24 and 29-32 under 35 USC 102(b) as being anticipated by US 5,901,747 ("Bedard"), applicant has amended independent claims 21 and 29 to more particularly point out and distinctly claim the subject matter that applicant regards as the invention, and submits that Bedard does not anticipate these claims as discussed below.

Specifically, applicant has amended claims 21 and 29 to recite a method of storing and selecting a single broadcast channel of interest in a consumer electronics appliance, so that after switching over to other channels, the consumer electronics appliance changes over to the single broadcast channel of interest in response to a user activating a dedicated command. Support for a

single channel of interest can be found, for example, on page 2, lines 13-20.

Amended claim 21, as an example, recites a method for storing and selecting a single broadcast channel of interest in a consumer electronics appliance, which can be switched over between different channels. The method comprises the steps of determining that a reception duration of a currently received channel has exceeded a predetermined time interval; memorizing said currently received channel as said single channel of interest, when said reception duration of said currently received channel exceeds said predetermined time interval, said single channel of interest being adapted to be recalled by a dedicated command; identifying switching between said different channels; and changing over to said single channel of interest upon activation of said dedicated command.

By contrast, Bedard discloses a method for monitoring a viewer's activities, determining not only the viewer's favorite channels, but also the viewer's preferred categories of programming, and configuring the display of an EPG or other suitable guide system according to the viewer's viewing preferences. See col. 2, lines 6-12. As cited in the Office Action, one application of the use of the collected viewer profile is that the TV receiver in conjunction with an EPG can automatically surf through the TV channels collected in the viewer profile in response to a viewer command (relied upon as the dedicated command). See col. 5, lines 46-51. The TV receiver, however, does not change over to a channel in response to the dedicated command, as recited in claim 21. The viewer must send another command to select one of the surfed channels. This is quite different from amended claim 21 because amended claim 21

requires only one single channel of interest being saved, and the TV receiver would change over to the single channel of interest upon activation of a dedicated command. No surfing is involved and no additional command is needed for the TV receiver to change over to the single channel of interest. Furthermore, amended claim 21 can be practiced without the use of an EPG. As such, Bedard does not anticipate amended claim 21, and dependent claims 22-24.

Since amended claim 29 recites similar features as amended claim 21, applicant submits that Bedard also does not anticipate amended claim 29, and dependent claims 30 and 32.

Furthermore, both claims 22 and 30 recite that the determining step comprises the step of determining said reception duration of the currently received channel only until said reception duration exceeds said predetermined time interval. By contrast, Bedard teaches continuously monitoring a reception duration, even if the reception duration has exceeded one viewing unit. For example, Bedard states, at col. 4, lines 47-48, that the viewer profile collection period "will only terminate upon reinitialization." A reason for continuously monitoring the reception duration is that Bedard accumulates viewing units, such as the total number of viewing units, for a viewing channel every time a viewer changes over and stays with that viewing channel for one viewing unit or more. See FIG. 2, and col. 4, lines 50-54. Thus, Bedard does not disclose or suggest the step of determining a reception duration of the currently received channel only until the reception duration exceeds the predetermined time interval, as

recited in claims 22 and 30. For this ground alone, Bedard does not anticipate these two claims.

## **II. Claim Rejection – 35 USC 103(a)**

### **a) Claims 26 and 34**

Responding to the rejection of claims 26 and 34 under 35 USC 103(a) as being unpatentable over Bedard, applicant submits that these two claims are patentable over Bedard for their respective dependence from amended claims 21 and 29.

Furthermore, both claims 26 and 34 recites the step of erasing the channel of interest after a program on the channel of interest has ended. By contrast, the art taught in Bedard would not profit from erasing the channel of interest after a program has ended, since the object of Bedard is to create a viewer profile, which is valid across more than one viewing session. In col. 4, lines 38-48, Bedard explicitly teaches collecting the viewer profile during a viewer profile collection period. The collecting periods, for example, can be one month or one year. See col. 4, lines 42-47. Thus, erasing a channel in a viewer profile after a program on that channel has ended would be contrary to the intended purpose of continuously monitoring during a viewer profile collection period to maintain a list of most favorable channels. Thus, there is no motivation to erase a channel in the viewer profile after a program on that channel has ended, and claims 26 and 34 are patentable over Bedard for this reason alone.

### **b) Claims 25, 27, 33, 35, and 36**

The Office Action rejects claims 25, 27, 28, 33, 35, and 36 under 35 USC 103(a) as being unpatentable over Bedard in view of US 6,115,080 ("Reitmeier"). Applicant has cancelled claims 28 and 36 without prejudice and disclaimer. Applicant submits that other claims are patentable over these two references because Reitmeier fails to cure the defects of Bedard as applied to independent claims 21 and 29, from which the remaining claims respectively depend.

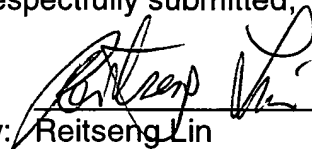
Reitmeier discloses a method of selecting for further processing a desired television channel suitable for use in a television receiver capable of receiving both analog and digital television signals, so that channel selection is effected in a relatively rapid manner. See col. 2, lines 9-19. The television receiver may store a counter associated with each of the channels available to a particular viewer. See col. 7, line 64-col. 8, line 2. Upon power up, the receiver examines the counter list, identifies the four highest count values, and stores information relating to these four channels in the favorite list of the scan list. See col. 8, lines 2-5. However, like Bedard, Reitmeier does not disclose or suggest the feature of changing over to a single channel of interest upon activation of a dedicated command, as recited in both claims 21 and 29. Thus, claims 21 and 29, and their respective dependent claims 25, 27, and 33, 35, are patentable over both references.

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such

action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop Non-Fee Amendment], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

2-4-04  
Date

Karen Schlauch  
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